REMARKS

The Office Action mailed April 21, 2004 has been received and reviewed. Claims 6-18 are pending. Claims 11 and 18 are indicated as being allowable if rewritten. Claims 6-10 and 12-17 are rejected. Claims 6, 7, 11, 12 and 18 are amended. Claims 19-21 are added.

The Applicant submits that the claims are in condition for allowance for the reasons stated hereinafter.

Objection To Claim 18

Claim 18 is objected to for a typographical error, which has been corrected.

Rejection Of Claims 6-10 Under 35 U.S.C. § 102(b) [Bittern]

Claims 6-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bittern (USPN 3,837,759). As amended, claims 6 and 12 require a threaded spindle having a central, axially inwardly extending opening in at least one projecting shoulder which is configured to receive a tool for effecting rotation of the threaded spindle when inserted in tool parts. Bittern lacks any such opening configured to receive a tool for effecting rotation of the threaded spindle. Therefore, claims 6-10 are not anticipated by Bittern. As amended, claim 7 requires a projecting shoulder at either end of the spindle and claim 8 requires that the projecting shoulders be sized to guide the spindle into associated tool parts, which is not disclosed by Bittern. Claim 10 requires threaded sections of differing diameter not disclosed by Bittern and claim 11 requires two projection shoulders each having a tool-receiving opening that is not disclosed by Bittern. Thus, claims 6-10 distinguish over Bittern and are not anticipated by Bittern. For the same reason, new claims 19-21 are not anticipated by Bittern.

Rejection Of Claims 6-9 and 12-16 Under 35 U.S.C. § 102(b) [Sanderson]

Claims 6-9 and 12-16 are rejected under 35 U.S.C. § 102(b) as being anticipated

by Sanderson (USPN 2,022,055). The rejection is overcome. As amended, claims 6 and 12 both require a threaded tool spindle having at least one projecting shoulder with an inwardly extending opening configured for receiving a tool for effecting rotation of the threaded spindle which inserted in tool parts. Sanderson discloses no such opening. Therefore, claims 6-9 and 12-16 are not anticipated by Sanderson. Additionally, claim 7, 8, 11, 14, 15 and 18 each require two projecting shoulders on the spindle, while Sanderson only discloses one. Claim 13 requires that one tool part nests within another, which is not disclosed or suggested by Sanderson (the two tool parts 1, 2 of Sanderson merely abut one another, while separate dowels or keys 4 are used to axially and radially positioned the two tool parts together). New claims 19-21 require a spindle with two ends each having a tool-receiving opening, which is not disclosed by Sanderson. Therefore, none of the claims is anticipated by Sanderson.

Rejection Of Claims 10 and 17 Under 35 U.S.C. § 103

Claims 10 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Sanderson. The Examiner states that, with respect to claim 10, Sanderson fails to disclose a device where threaded sections of a threaded spindle have differing outside diameters for being correspondingly adapted to the differing interior diameters of two tool parts, but the Examiner states that a change in the size of a prior art device is a design consideration within the skill in the art. With respect to claim 17, the Examiner states that Sanderson fails to disclose a connection wherein threaded sections of a threaded spindle have differing outside diameters and threaded areas of tool pieces have correspondingly adapted interior diameters, which the Examiner again contends is a matter of design consideration within the skill in the art. The rejection of claims 10 and 17 is traversed.

In re Rose, 220 F2d 459, 105 USPQ 237, which is cited by the Examiner in support of obviating claims 10 and 17, provides that "change in the size of a prior art device is a design consideration within the skill in the art." To obviate a claim,

therefore, it must be shown that the cited reference is prior art for that element, which Sanderson is not. Nowhere in Sanderson is it taught or suggested that the threaded sections of the anchor stud should be of different diameters, or that the tool parts 1, 2 have, or may have, anchor stud-receiving channels that are of different size. This may be particularly due to the fact that the tool parts 1, 2 of Sanderson have abutting surfaces 12, 13, and positioning dowels 4 are used to assure an alignment of the threaded openings 5, 6 of the respective tool parts 1, 2 which have the same diameter. It is not required, therefore, that the openings 5, 6 be of different diameters. However, the present invention contemplates, for example, tool parts that are nested, at least in part, within one another, which may necessitate providing a spindle having threaded sections of different diameter and spindle-receiving openings in the respective tool parts that are of correspondingly different diameters. Therefore, providing threaded sections of different dimension is not merely a design choice, and would not be suggested to one of skill in the art based on Sanderson.

CONCLUSION

In view of the amendments made and the arguments presented, the Applicant submits that claims 6-21 present patentable subject matter. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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